

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 10 are pending in the application. Currently, all claims stand rejected.

By the present amendment, independent claims 1 and 6 have been amended; claim 4 has been amended to correct a typographical error and not for reasons relating to patentability; and claims 7 - 10 have been amended to change their claim dependency.

In the office action mailed February 17, 2009, the Examiner objected to claims 7 - 10. This objection is now moot in view of the amendments to claims 7 - 10.

Further in said office action, claims 1 - 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,612,403 to Silberhorn et al. in view of U.S. Patent No. 2001/0022899 to Castelli.

The foregoing response is traversed by the instant response.

Claim 1 as amended herein is directed to a positioning system for a moveable platform comprising: at least one active array attached to at least one fixed non-movable structure in a hoistway, each said active array comprised of at least one light emitting element for transmitting a binary encoded identification positioned at a known location; at least one camera for acquiring an image of said at least one active array; means for receiving said binary encoded identification from said image; means for processing said image to determine the position of said active array with respect to said moveable platform; and

means for combining said received binary encoded identification and said determined position to calculate a position of said moveable platform. Neither Silberhorn et al. or Castelli discloses or renders obvious such a positioning system.

Silberhorn et al. is directed to an apparatus for generating hoistway information from images of the surface patterns of a hoistway component such as a guide rail sensed by a CCD line camera. The CCD line camera is mounted to an elevator car which travels in an elevator hoistway. Also mounted to the elevator car is a light source (4) which shines light onto the guide rail section to be recorded. The light reflected by the guide rail section is converted into electric charges of the image elements of the CCD line sensor. To improve image quality, the light source can be flashed LED's or halogen lamps. The light pattern shining on the guide rail covers approximately one section. To calibrate the hoistway information system, the elevator hoistway is traveled by the car. The surface structure or surface pattern recorded by the CCD line camera is written in the memory of the computer DP with a position index. To determine the stopping position for a floor, the elevator car is driven to the desired height, the car position is read by the system IS, and the position value is stored as a reference value for the floor. A correlator (7) calculates from the image of the first position "I" and the new image of the second position "i+1" an incremental or relative position. The output signal from the correlator means and the absolute position signal from a memory are summed at summing point 9 to generate an estimated position of the new image signal. The estimated signal position is

transferred to a second correlator (11) which uses the estimated position to locate the relevant section of the database in which the image written during calibration lies. The correlator 11 compares the new image of position "i+1" with the stored image and determines from the position index the absolute position which is transferred as an absolute position output signal to the elevator control.

As can be seen from the foregoing discussion, Silberhorn is quite different from the claimed positioning system. Silberhorn et al. lacks at least one active array attached to at least one fixed non-movable structure in a hoistway, each said active array comprised of at least one light emitting element for transmitting a binary encoded identification positioned at a known location. Silberhorn et al. also lacks at least one camera for acquiring an image of said at least one active array. Silberhorn et al. has a camera but the camera is used to take images of the surface patterns of a guide rail. Silberhorn et al. lacks any means for receiving said binary encoded identification from said image because Silberhorn et al. is only interested in detecting the surface patterns of a section of a guide rail and one does not need or use a binary encoded identification to do that. While Silberhorn et al. has a means for processing an image of a guide rail to determine the position of said elevator car, it does not having any means for processing an image of an active array to determine its position with respect to said moveable platform. Finally, Silberhorn et al. does not have, and does not need, any means for combining said received binary encoded identification and said determined position to calculate a position of said moveable platform.

With respect to Castelli, it is simply non-analogous art having nothing to do at all with the determination of the position of a moveable platform. For this reason alone, one of ordinary skill in the art would not combine the references in the manner suggested by the Examiner. If the Examiner persists in this rejection, the Examiner is requested to clearly set forth the reasons why this reference is (1) deemed to be in the field of Applicants' endeavor and/or (2) deemed to be reasonably pertinent to the particular problem with which the inventor is concerned. See *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992). With regard to point (2), it should be remembered that a reference is only reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. See *In re Clay*, 966 F.2d 656, 659 (Fed. Cir. 1992). The rejection of record does not record the Examiner's reasons as to why Castelli would be considered to be analogous art.

With respect to the specifics of Castelli, it does not teach or suggest placing the active array(s) on a non-moveable structure in a hoistway. Further, in Castelli, the position determining sensor 352 is used to detect position determining marks on a photoreceptor belt (see paragraph 0037). The position determining marks on the belt are static structures such as holes, indentations, or embossed features. Thus, the sensor 352 is not being used to detect anything which can be called an active array that produces and transmits a binary encoded identification. While Castelli talks about the position determining sensor

as being a CCD array, the only thing which is detected by the sensor is the passive static structures in or on the belt. The CCD array in Castelli does not receive a binary encoded identification which has been transmitted from the at least one active array from any image. In the Examiner's haste to find a binary code, the Examiner has neglected the wording of the claim. The third paragraph of claim 1 calls for "means for receiving said binary encoded identification from said image." The word "said" is used to refer back to the binary encoded identification transmitted by the at least one active array. Thus, Castelli does not render obvious the aforesaid "receiving means". Nor does Castelli process the image to determine the position of an active array because Castelli does not have, and would not use, an active array to detect the belt position. Still further, Castelli does not combine the received binary encoded identification and the determined position because as discussed above Castelli never receives the claimed binary encoded identification.

In conclusion, even if combined with Silberhorn et al., Castelli would not cure the deficiencies of Silberhorn et al. and would not render obvious the claimed subject matter.

Claim 6 is the method version of claim 1 and is allowable for the same reasons as claim 1.

Claims 2 - 5 and 7 - 10 are allowable for the same reasons as their parent claims as well as on their own accord. There is nothing in either reference to teach or suggest affixing the at least one active array to a doorframe (claim 2). In fact, there is no reason why Silberhorn et al. would want to do this since they are looking at the surface patterns of a guide rail. Claims 5

and 8 are allowable because Silberhorn et al. would not want a database having stored positions of at least one active array because the only thing Silberhorn et al. are interested in is the position of the surface features of the guide rail. Claim 10 is allowable because Silberhorn et al. would not want to dynamically configure any active array because the only thing Silberhorn et al. are interested in is getting images of the surface pattern of a guide rail. One does not need a dynamically figured active array to do this.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

No fee is believed to be due as a result of this response. Should the Director determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,
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